

From: Colynn Kerr (Shaw)
To: Microsoft ATR
Date: 11/18/01 8:24am
Subject: Consumer Comment on Proposed Microsoft Settlement

As a consumer who has chosen the Mac OS, an operating system that competes with Windows, I would like to register my concern that the proposed settlement does little to discourage Microsoft from returning to its old anti-competitive ways.

Microsoft has shown by its actions in the past that it has little regard for court agreements, knowing full well that it can use the slowness of the judicial process to further extend its monopoly influence.

Microsoft's pattern of behavior is likely to continue and the settlement is unlikely to prevent a recurrence. The three-person team charged with monitoring Microsoft's actions MUST be given a stronger mandate to stop problems quickly. If Microsoft uses the proposed process to stall as it has done in the past, the market will be further damaged.

This settlement will remove Microsoft's restraint because there is no threat of swift preventative court action. The proposal must have more 'teeth' to stop anti-competitive behaviors quickly.

Under these court measures, Microsoft will likely continue to enter new markets and create its own proprietary standards using its dominant market position to crush competing products. As it has done repeatedly, it will continue to bundle its own versions of competing products into Windows, starving competitors out of the market.

It took a lot of courage for competitors to come fourth during this long drawn out trial and there may not be the will to come fourth again if it only is to result in such a watered down settlement. This may be the last, best chance to curb Microsoft's habits.

To strengthen the court settlement I suggest:

- 1) creating a checklist of identified Microsoft anti-competitive actions and beside each item insuring a swift court action to be taken;
- 2) creating a streamlined process that remains in situ to act quickly to stop anti-competitive behaviors as they arise;
- 3) keeping in place a series of strong punitive measures that will be levied against Microsoft quickly and remain in force until Microsoft stops its anti-competitive behaviors;
- 4) require Microsoft to pay the costs for each and every investigation of its actions;
- 5) creating an Ombudsman position to field all competitors and consumer concerns, feeding the results of such investigations to the tribunal and requiring further investigation by them;

- 6) creating an office with funded staff for each member of the tribunal to give them all the tools they need;
- 7) requiring an immediate stop to Microsoft's efforts to extend its market influence into new markets for a set period of time, to allow those markets to flourish before Microsoft can enter them;
- 8) requiring Microsoft to charge fair market value for each and every bundled product, in addition to the cost of its other products;
- 9) requiring Microsoft to offer competing products or opportunities to choose competing products, with each Microsoft bundled product;
- 10) requiring full disclosure and prominent display to consumers of each and every Microsoft anti-competitive action.

In summary, the settlement must more strongly protect the market.

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